

06/29/01
J1051 U.S. PTO

June 29, 2001

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

JC973 U.S. PTO
09/893878
06/29/01

Re: New Nonprovisional Continuation Patent Application
under 37 CFR §1.53(b) in U.S.
Applicant(s): LADNER, et al.
Title: DIRECTED EVOLUTION OF NOVEL BINDING PROTEINS
Atty's Docket: LADNER=7M

Sir:

1. [X] The present nonprovisional application is a Continuation of prior application No. 08/993,776. **This application is not a CPA.** The prior application is not being abandoned in favor of this application.
[X] Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. Attached herewith is the above-identified nonprovisional application under 37 CFR §1.53(b) for Letters Patent including:
 - [X] Specification (537 pages), claims (3 pages) and abstract (1 page). The [X] specification [] claims and [X] abstract are copies of those filed in prior application no. 07/664,989. The claims are new.
 - [X] 16 Sheets Drawings (Figures 1-16).
 - [X] Figs. 1-16 of the drawings are copies of the formal drawings filed and accepted in prior application no. 07/664,989.
 - [] Figs. _____ of the drawings are new.
 - [X] Declaration and Power of Attorney (2 pages)
 - [] Newly executed [X] Copy from prior application no. 07/664,989.
 - [X] Preliminary Amendment
 - [] Supplemental Preliminary Amendment
 - [] Information Disclosure Statement with () references
 - [X] PTO-1449 or PTO-892 forms from prior application(s)

If no declaration is attached, or the basic filing fee is not paid, accord this application a filing date, and notify counsel pursuant to 37 CFR §1.53(f).

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[X] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$___ to cover:

[X] The filing fee calculated as follows:

CLAIMS AS FILED					
FOR	No. FILED	Base Number	No. EXTRA	RATE	BASIC FEE \$ 710.00
TOTAL CLAIMS	25	-20	5	x 18 =	\$ 90.00
INDEPENDENT	1	-3	0	x 80 =	\$
[] First presentation of multiply dependent claim			270	x 270 =	\$
Reduction by 1/2 for filing by small entity					-\$
				TOTAL FILING FEE	\$800.00

[X] Return Receipt Postcard (in duplicate)

3. The following inventor(s) were named in the prior application:

Full Name of Inventor 1 Robert Charles Ladner	
Residence (City/State or City/Country) Ijamsville, Maryland	Citizen Of: USA
Post Office Address 3827 Green Valley Rd., Ijamsville, Maryland 21754	
Full Name of Inventor 2 Sonia Kosow Guterman	
Residence (City/State or City/Country) Belmont, MA	Citizen Of: USA
Post Office Address 20 Oakley Rd., Belmont, MA 02178	
Full Name of Inventor 3 Bruce Lindsay Roberts	
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Post Office Address 26 Windsor Rd., Milford, MA 01757	
Full Name of Inventor 4 William Markland	
Residence (City/State or City/Country) Milford, MA	Citizen Of: U.K.
Post Office Address 26 Windsor Rd., Milford, MA 01757	

Full Name of Inventor 5 Arthur Charles Ley	
Residence (City/State or City/Country) Newton, MA	Citizen Of: USA
Post Office Address 122 Adena Rd., Newton, MA 02165	
Full Name of Inventor 6 Rachel Baribault Kent	
Residence (City/State or City/Country) Boxborough, MA	Citizen Of: USA
Post Office Address 60 Stonehedge Pl., Boxborough, MA 01719	

(The latest inventor signed §1.63 Declaration in the parent application or its predecessors is hereby incorporated by reference. In the event of discrepancy between the Declaration and the list above, the Declaration controls and the list above is amended accordingly.)

[XX] The inventors of the present application are the same as those on the prior application.

[] Please delete the following inventors who were named on the prior application, but are not inventors of the invention being claimed in the present application:

[] The following additional inventors are to be named on the instant application: _____

4. [X] The benefit under 35 USC §119 is claimed of the filing date of: Application No. PCT/US89/03731 in PCT on September 1, 1989. A certified copy of said priority document was filed in progenitor case 07/664,989.

5. [X] Amend the specification by inserting, immediately after the title, the new paragraph:
--This is a continuation of Serial No. 08/993,776 filed December

18, 1997, now pending; which is a continuation of Serial No. 08/415,922, filed April 3, 1995, now U.S. Patent No. 5,837,500; which is a continuation of Serial No. 08/009,319, filed January 26, 1993, now U.S. Patent NO. 5,403,484; which is a division of Serial No. 07/664,989, filed March 1, 1991, now U.S. Patent No. 5,223,409; which is a continuation-in-part of Serial No. 07/487,063, filed March 2, 1990, now abandoned; which is a continuation-in-part of Serial No. 07/240,160, filed September 2, 1988, now abandoned.

The prior application(s) set forth above are hereby incorporated by reference in their entirety.--

6. [X] Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior application 08/993,776, which is relied upon under 35 USC §120. Applicants identify these documents by attaching hereto one or more form PTO-1449 and/or form PTO-892 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

While an IDS filed under §1.97 must contain a "list of all patents, publications or other information submitted for consideration by the Office", see §1.98(a)(1), the only requirement for the list is that it provide the information set forth in §1.98(b). There is no requirement that a form PTO-1449 be used (MPEP §609 merely says that use of this form is "encouraged") and no prohibition on submitting a copy of a form PTO-1449 or form PTO-892 from a prior case. Indeed, the re-use of such forms is desirable as it avoids error in transferring the information, and evidences that the reference was considered in a prior application. A previously accepted PTO-1449, or an examiner-prepared PTO892, necessarily complies with §1.98(b).

7. If reliance is made on a declaration filed in a prior application, then
[X] The undersigned attorney of record hereby revokes the powers of attorney of:

<u>X</u> RONALD R. SNIDER, Reg. No. 24,962	<u>X</u> TERESA BANTA, Reg. No. P34,543
<u>X</u> JEROME J. NORRIS, Reg. No. 24,696	<u>X</u> A. FRED STAROBIN, Reg. No. 18,453
<u>X</u> ROBERT K. CARPENTER, Reg. No. P34,794	<u>X</u> SHMUEL LIVNAT, Reg. No. 33,449

- [X] The undersigned attorney of record hereby appoints associate power of attorney, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith to:

 IVER P. COOPER, Reg. No. 28,005 NORMAN J. LATKER, Reg. No. 19,963

 X *ALLEN C. YUN, Reg. No. 37,971 X JAY M. FINKELSTEIN, Reg. No. 21,082

(* Patent Agent)

8. [X] The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:

[X] Any additional filing fees required under 37 CFR §1.16.

[X] Any patent application processing fees under 37 CFR §1.17.

- [X] The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:

[X] Any patent application processing fees under 37 CFR §1.17.

[] The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).

[X] Any filing fees under 37 CFR §1.16 for presentation of extra claims.

- [X] If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.

[X] The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,
BROWDY AND NEWMARK, P.L.L.C.

By: 

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